

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHNNY WASHINGTON, a/k/a  
JOHNNIE P. WASHINGTON ,

Plaintiff,

v.

9:11-CV-1137

T. FAROOKI, Dentist, Clinton Correctional  
Facility; R. OLIVEIRA, Dentist, Clinton  
Correctional Facility; DORIS, Clerk/Call-Out,  
Clinton Correction Facility

Defendants<sup>1</sup>.  
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THOMAS J. McAVOY  
United States District Judge

**DECISION and ORDER**

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon.  
Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation  
pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the May 15, 2013 Report-Recommendation have been raised.  
After examining the record, this Court has determined that the Report-Recommendation is  
not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the  
Report-Recommendation for the reasons stated therein.

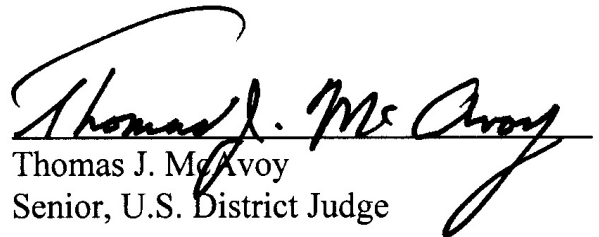
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<sup>1</sup> For the reasons outlined in Magistrate Judge Hummel's Report and Recommendation, any and  
all claims against Defendant "Doris" have been dismissed from this action.

It is, therefore, ORDERED that Defendants' Motion for Summary Judgement, Dkt. No. 51, be **DENIED**; and upon *sua sponte* review by the Court any First Amendment claims asserted by Plaintiff<sup>2</sup> are **DISMISSED** from this action.

IT IS SO ORDERED.

Dated: July 2, 2013

  
Thomas J. McAvoy  
Senior, U.S. District Judge

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<sup>2</sup>In liberally construing Plaintiff's Complaint, Magistrate Judge Hummel found a potential First Amendment claim in Plaintiff's Complaint. This claim was not addressed by Defendants, but, upon review, is found to be without merit.